

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 06/01/08	NUMBER 06.03.101
SUBJECT COMMUNITY RESIDENTIAL PROGRAMS - PRISONER PLACEMENT AND TRANSFER		SUPERSEDES 06.03.101 (08/15/05)	
		AUTHORITY MCL 769.2a, 791.233d, 791.251, et seq., 791.265a, 791.265d, 791.265e, 791.265h.; Administrative Rules 791.2205, 791.3315, 791.4401, 791.4410, 791.4425	
		ACA STANDARDS None	
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POLICY STATEMENT:

Prisoners who are eligible for consideration for placement in Community Residential Programs (CRP) shall be screened and, if approved, classified and transferred to CRP in accordance with this policy.

RELATED POLICY:

06.03.105 Electronic Monitoring of Offenders

POLICY:

GENERAL INFORMATION

- A. There is no right to placement in CRP. Prisoners eligible to be considered for CRP shall be classified to CRP only if it is reasonably believed by the Administrator of the Office of Parole and Probation Services (OPPS), Field Operations Administration (FOA), or designee that the prisoner will not pose a threat to public safety and is willing to abide by the rules and regulations of the program. This shall include having had satisfactory adjustment while under Department supervision, including while incarcerated.

- B. In cooperation with the Department of Information Technology, the OPPS Administrator shall maintain a computerized CRP database. The database shall include information on the screening of prisoners eligible for consideration for CRP placement and, if approved, their classification and transfer to CRP.

ELIGIBILITY CRITERIA

- C. Prisoners classified to security Level I, not due to a waiver, and prisoners with a true security level of I on the most recent Security Classification Screen are eligible to be considered for placement in CRP if they meet all of the following criteria, subject to placement criteria set forth in Paragraph D including the specific restrictions for prisoners subject to disciplinary time:
 - 1. Not currently serving a sentence for escape, attempted escape or conspiracy to escape;
 - 2. Not serving a sentence for a sex offense or murder in connection with a sex offense as specified in MCL 769.2a;
 - 3. Not serving a life sentence, unless a parole date has been set by the Parole Board;
 - 4. Does not have a pending felony charge, a pending felony or immigration detainer, or a consecutive jail or prison sentence to serve with another jurisdiction;
 - 5. Does not screen as a very high assaultive risk under PD 05.01.135 "Statistical Risk Screening";
 - 6. If returned for violating a condition of parole, is within eight months of the next potential parole release date established by the Parole Board;

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7. Is not required to be registered under the Sex Offenders Registration Act, being MCL 28.721 et seq.;
8. Has not been convicted of an offense specified in the Sex Offenders Registration Act that was committed prior to the effective date of that Act;
9. Has not received a special designation pursuant to this policy;
10. Is not currently serving for a violent or assaultive offense identified in Administrative Rule 791.4410, including attempt, conspiracy and solicitation to commit the offense;
11. Is not serving for a violation of MCL 750.227b "Carrying or Possessing Firearm When Committing or Attempting to Commit Felony" or any other firearm offense designated by the OPPS Administrator;
12. Is not serving for an offense which involved the possession of a firearm;
13. If previously paroled, parole was not revoked for violating a condition of parole prohibiting ownership or possession of a firearm, including having a firearm under his/her control, or being in the unauthorized company of a person who the prisoner knew to possess a firearm. For this purpose, a firearm is considered to be any weapon capable of firing a missile of any type, including BB shot, and includes an imitation firearm and a simulation of a firearm.

TIME SCHEDULE FOR TRANSFERS

- D. A prisoner who meets the criteria set forth in Paragraph C and is classified to CRP shall be transferred to CRP in accordance with the following time schedule; if more than one criterion applies, the most restrictive criterion controls:
 1. If serving a sentence that is subject to disciplinary time, no earlier than the "Truth in Sentencing" (TIS) minimum release date for that sentence.
 2. For prisoners serving a sentence that is not subject to disciplinary time, no earlier than one year before the Potential Minimum (PMI) release date or Special Good Time (SGT) minimum release date except if any of the following apply:
 - a. If sentenced as an habitual offender and permission has been received to parole on the minimum sentence less any applicable good time and disciplinary credits. In such cases, the prisoner shall be placed in CRP no earlier than eight months before the PMI or SGT minimum release date.
 - b. If sentenced as a habitual offender and permission has not been received to parole on the minimum sentence less any applicable good time or disciplinary credits. In such cases, the prisoner shall be placed in CRP no earlier than eight months before the calendar minimum release date.
 3. If convicted of a felony committed while under the jurisdiction of the Department, no earlier than two years after the date of sentence for that offense.
 4. If denied parole on a sentence for which the prisoner is serving, no earlier than eight months prior to the next potential parole release date established by the Parole Board.
 5. If serving a life sentence and the Parole Board has established a parole date, no earlier than eight months before the parole date.
- E. The time schedule set forth above applies to all prisoners, including those serving for a drug offense for

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which the prisoner is eligible for parole prior to the dates identified in Paragraph D. Under no circumstances shall a prisoner serving a sentence subject to disciplinary time be transferred to CRP prior to serving the minimum terms of all sentences subject to disciplinary time; this limitation applies even if serving for a drug offense for which the prisoner is paroled prior to his/her minimum sentence.

SCREENING PROCESS

- F. CRP eligibility screeners in the Community Residential Program Unit (CRPU), OPPS, shall preliminarily screen all prisoners who meet the eligibility criteria set forth in Paragraph C to determine if the prisoner should be considered for CRP placement. This screening shall be conducted no sooner than three months prior to the date the prisoner would be first eligible to transfer to CRP pursuant to Paragraph D. It shall be considered a permanent denial if a prisoner will not be considered for CRP placement due to a special designation as defined in Administrative Rule 791.4410. In such cases, the eligibility screener shall complete a Notice of Special Designation (CFJ-115) and send a copy of the Notice to the prisoner and the appropriate Record Office Supervisor for placement in the prisoner's Record Office File. Hearings may be requested and shall be conducted as set forth in Paragraphs K through Q.
- G. Whenever a CRP eligibility screener determines that a prisoner should be considered for CRP placement, CRPU shall send a Community Residential Programs Assessment form (CFJ-410) to the appropriate Record Office Supervisor for processing. Upon receipt, the Record Office Supervisor shall proceed as follows:
1. Review the prisoner's Record Office file, the Department's computerized database (e.g., CMIS; OMNI) and LEIN to identify any documented felony, misdemeanor or immigration detainers, pending criminal charges, felony suspect information, or Personal Protection Orders (PPOs), including a child abuse prevention order, filed against the prisoner. Whenever a pending felony charge, a detainer, or felony suspect information is found, Record Office staff shall request clearance from the appropriate law enforcement agency as set forth in PD 03.01.120 "Detainers, Pending Felony Charges and Felony Suspect Information". Record Office staff shall immediately notify the CRPU Manager or designee of any PPO identified and the status of any identified felony or immigration detainers or pending felony charges. The CRPU Manager or designee shall determine whether the prisoner remains eligible for CRP placement and, if approved for CRP, ensure that the prisoner is prohibited from contacting the person identified in the PPO as a condition of that placement. No further action shall be taken by Record Office staff unless notified to proceed by the CRPU Manager or designee.
 2. Contact the Central Time Computation Unit, Central Records Section of the Operations Division, Correctional Facilities Administration (CFA), if the prisoner's projected release dates have not been verified by the Unit or if there has been any change in the prisoner's minimum release date (i.e., TIS, PMI, SGT, or calendar minimum) since the last verification was completed. The CRPU Manager shall be notified immediately of any change in the prisoner's minimum release date. The CRPU Manager or designee shall determine whether the prisoner remains eligible for CRP placement. No further action shall be taken by Record Office staff unless notified to proceed by the CRPU Manager or designee.
 3. Unless the prisoner is in a "non-medical" camp, notify appropriate health care staff of the need to complete a Community Residential Programs Health Review (CFJ-411). A health review shall be completed for a prisoner in a "non-medical" camp only upon request of CRPU.
 4. Forward the Community Residential Programs Assessment form to appropriate housing unit staff to determine if the prisoner wants to be considered for CRP placement. If the prisoner does not want to be considered for CRP placement, that shall be indicated on the form. If the prisoner wants to be considered, s/he must sign the form agreeing to abide by all CRP rules and regulations. In such cases, housing unit staff shall assist the prisoner in identifying an appropriate proposed parole home placement. The identified placement shall be in an area where the prisoner has ties to the community or, if the prisoner does not have ties to a specific

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community, in the county of commitment, unless specialized placement (e.g., nursing home) is needed which cannot be provided in such areas. The proposed parole home placement shall be reported on the Community Residential Programs Assessment form so that appropriate community placement may be determined if the prisoner is classified to CRP. The form shall be returned to Record Office staff for further processing.

- H. Upon completion of the requirements set forth in Paragraph G, the Record Office Supervisor shall return the Community Residential Programs Assessment form and, as appropriate, the Community Residential Programs Health Review to CRPU. CRP eligibility screeners shall review the information received and any other relevant information to determine if the prisoner will be classified to CRP. CRP eligibility screeners may impose necessary and reasonable special conditions for CRP placement.
- I. A prisoner must be medically manageable in CRP in order to be classified to CRP. Unless a Community Residential Programs Health Review has been requested, a prisoner in a "non-medical" camp is considered to be medically manageable in CRP. To establish whether any other prisoner is medically manageable, including a prisoner in a "medical" camp, the eligibility screener shall determine, based on the Community Residential Programs Health Review and any other relevant medical, psychological, or psychiatric information available, whether the prisoner may be reasonably expected to meet all of the following conditions:
 - 1. Maintain a reasonable degree of independent living.
 - 2. Become self-supporting.
 - 3. Obtain and maintain employment, or participate in a training program.
 - 4. Have all medical, psychiatric and psychological needs met in the community program setting without unreasonable dependence on staff or significant additional medical cost to the Department.

DENIAL OF CRP PLACEMENT

- J. If a prisoner is not approved for CRP placement, the CRP eligibility screener or designee shall enter this information in the CRPU database, including the reason why the prisoner was not approved and, if applicable, the date the prisoner will be reconsidered for CRP. If the denial is a permanent denial based on a special designation as defined in Administrative Rule 791.4410, the eligibility screener also shall complete a Notice of Special Designation (CFJ-115), which shall be sent to the prisoner and the appropriate Record Office Supervisor for placement in the prisoner's Record Office file.

Hearings for Special Designation

- K. A prisoner permanently denied CRP placement based on a special designation may request a formal hearing by completing the bottom portion of the Notice of Special Designation (CFJ-115) and sending it to CRPU. Upon receipt of the form, CRPU shall attach copies of any documents relied upon by the eligibility screener in applying the designation and shall forward the form and supporting documents to the hearing investigator for the facility housing the prisoner.
- L. Upon receipt, the hearing investigator shall schedule a timely hearing to be conducted by a hearing officer of the State Office of Administrative Hearings and Rules (SOAHR) in the Department of Labor and Economic Growth. The hearing will be held within 90 calendar days after the date the hearing request was received by CRPU. The prisoner shall be notified of the date of the hearing.
- M. Special designation hearings will be conducted in accordance with Administrative Rule 791.3315. If the facts supporting the special designation are not established, the hearing officer will remove the special designation. If the facts are partially established, the hearing officer will decide if the facts as established meet the definition of the special designation. If they do not, the hearing officer will remove

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the special designation.

- N. If either the prisoner or the OPPS Administrator disagrees with the result of the hearing, s/he may request a rehearing by completing a Request for Rehearing (CSJ-418) and submitting it to the Administrator of the Office of Legal Affairs (OLA). The request for rehearing must be submitted within 30 calendar days after the date of receipt of the hearing report. The prisoner may appeal to the Circuit Court if s/he disagrees with the rehearing decision.
- O. A special designation upheld at a hearing may be removed by the OLA Administrator upon request of the OPPS Administrator if the basis for the special designation is no longer believed to be valid. However, prior to the hearing, the OPPS Administrator or designee may remove a special designation if s/he determines that the basis for the special designation is no longer valid.
- P. CRPU shall promptly screen a prisoner for placement in CRP when any of the following occur:
 - 1. The prisoner's special designation is not upheld at a hearing and either the OPPS Administrator is not requesting a rehearing or the request is denied by the OLA Administrator.
 - 2. The prisoner's special designation is not upheld at a rehearing ordered by the OLA Administrator.
 - 3. The prisoner's special designation is removed by court order.
- Q. When a special designation has been removed as a result of a hearing conducted by SOAHR or by court order, the facts of that or any other previously dismissed designation shall not be considered in future screenings for CRP unless significant related information is received subsequent to the date of the initial designation.

Appeals of Other Denials

- R. CRP denials which are not subject to a hearing may be grieved by the prisoner as set forth in PD 03.02.130 "Prisoner/Parolee Grievances"; denials which are subject to a hearing may not be grieved.

PLACEMENT IN CRP

Placement and Transfer Processing by CRP

- S. Prisoners who are classified to CRP shall be placed on appropriate electronic monitoring in accordance with the time schedule set forth in Paragraph D. FOA field staff shall investigate and approve the placement of prisoners transferring to an electronic monitoring location prior to a transfer being scheduled. This includes meeting the requirements for electronic monitoring set forth in PD 06.03.105 "Electronic Monitoring of Offenders" and procedures implementing those requirements.
- T. CRP staff shall complete a Transfer Order - Community Programs form (CFJ-151) to transfer a prisoner to CRP from a CFA facility. The transfer order shall include all necessary instructions to institutional staff, necessary reporting instructions to the prisoner, and other pertinent transfer information. A transfer order is not required when a CRP prisoner is transferring to a different location within CRP, including to a residential reentry program facility. CRPU shall confirm that a prisoner approved for transfer to CRP has provided a DNA sample as set forth in Paragraph V, no. 2, and been tested for HIV and HCV as set forth in Paragraph V, no. 3, prior to scheduling the prisoner's transfer.
- U. All transfer orders shall be approved under the authority of the OPPS Administrator and forwarded to the facility housing the prisoner and to the CRP location to which the prisoner is transferring. A copy of the transfer order also shall be given to the prisoner.

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Processing by CFA

- V. The appropriate Record Office Supervisor shall ensure that the following occurs within one week after receipt of an approved Community Residential Programs Assessment form:
1. The prisoner is tested for the unauthorized use of alcohol or a controlled substance in accordance with PD 03.03.115 "Substance Abuse Programming and Testing"; an instant test may be used for this purpose. The testing shall be completed prior to the prisoner's transfer to CRP. CRPU shall be notified if the test result is not received prior to the scheduled transfer date, if the prisoner tests positive, or the prisoner refuses to be tested. In such cases, CRPU shall cancel the transfer to CRP pending receipt of the test results or, if the prisoner tested positive or refused to be tested, pending the major misconduct hearing; CRPU shall be notified within 24 hours after receipt of the test results or the hearing. CRPU shall reschedule the transfer to CRP if the prisoner is found not guilty of the major misconduct or the charge is dismissed. If the prisoner is found guilty, CRPU shall either delay the transfer for at least 30 calendar days from the date of the test or deny CRP placement. If the transfer is delayed, the prisoner shall be retested prior to transfer.
 2. The prisoner has provided a DNA sample as required by MCL 791.233d. If the sample has not been collected, the prisoner shall be referred to have it collected by health care staff or, if health care staff is not on-site when the sample is required to be collected, by other trained facility staff as designated in facility procedures. A DNA Sample - Collection Record (CHJ-269) shall be completed indicating the prisoner's compliance with or refusal to provide the sample. If the prisoner refuses to provide the sample, CRPU shall be notified and shall deny CRP placement. CRPU shall be notified if the prisoner provides the sample within 30 calendar days, in which case the CRPU Manager or designee shall determine if the prisoner should be placed in CRP.
 3. The prisoner has been tested for HIV and HCV unless known to be HIV or HCV positive, as applicable. If the prisoner has not been tested, the prisoner shall be referred for testing by health care staff. If the prisoner refuses to be tested, the CRPU shall be notified and shall deny CRP placement. CRPU shall be notified if the prisoner agrees to the testing within 30 calendar days, in which case the CRPU Manager or designee shall determine if the prisoner should be placed in CRP.
 4. The Central Time Computation Unit is contacted if the prisoner's projected release dates have not been verified by the Unit or if there has been any change in the prisoner's minimum release date (i.e., TIS, PMI, SGT, or calendar minimum) since the last verification was completed. The CRPU Manager shall be notified immediately of any change in the prisoner's minimum release date that affects the prisoner's eligibility for CRP placement. In such cases, CRPU shall establish a new transfer date, if appropriate.
 5. If a PPO, including a child abuse prevention order, was discovered as a result of the LEIN or file check conducted pursuant to Paragraph G, no. 1, and the address and/or telephone number of the person who obtained the PPO is included with the information on the PPO, the Record Office Supervisor or designee shall immediately provide that information to the Crime Victim Services Section; that Section shall attempt to notify that person of the prisoner's scheduled transfer date in writing, if only an address is identified, and by telephone, if a telephone number is identified, unless the person requested and will receive notification pursuant to PD 01.06.120 "Victim Notification". The Record Office Supervisor or designee also shall immediately notify the appropriate law enforcement agency via LEIN of the prisoner's scheduled transfer date and, unless notification will be provided pursuant to PD 01.06.120 "Victim Notification", request that agency to also notify the person who obtained the PPO of the scheduled transfer date. All attempts to contact the person who obtained the PPO and contacts with law enforcement shall be documented in the prisoner's Central Office and Record Office files, as appropriate.
- W. The appropriate Records Office Supervisor shall ensure that CRPU is notified immediately if a prisoner

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approved for CRP:

1. Is found guilty of major misconduct or has a pending major misconduct which will not be heard prior to the transfer date.
 2. Is reclassified to a higher level of custody.
 3. Is to be transferred to a non-Department correctional facility pursuant to a writ.
 4. Has any significant change which may affect CRP placement; this includes a change in the prisoner's medical, psychiatric or psychological condition.
 5. Has been granted a parole contingent upon participation in in-reach services.
- X. The CRPU Manager or designee shall review information received pursuant to Paragraph W and any other new information received which may affect CRP placement and determine whether the prisoner should be placed in CRP. The CRPU Manager or designee shall notify the Record Office Supervisor and the prisoner if CRP placement is denied based on the new information.
- Y. Within 24 hours prior to the scheduled transfer of a prisoner to CRP, Record Office staff shall again check the prisoner's Record Office file, the Department's computerized database and LEIN for any documented felony, misdemeanor or immigration detainer, pending felony charge, felony suspect information, or PPO, including a child abuse prevention order. Whenever a pending felony charge, a detainer, or felony suspect information is found, Record Office staff shall request clearance from the appropriate law enforcement agency as set forth in PD 03.01.120 "Detainers, Pending Felony Charges and Felony Suspect Information". Record Office staff shall notify the CRPU Manager of any PPO identified and the status of any identified felony detainer, pending felony charge and felony suspect information that was not previously brought to his/her attention. CRPU shall be notified of a misdemeanor detainer only if the prisoner has been sentenced to a jail term consecutive to his/her prison sentence or if the misdemeanor detainer will expire after the prisoner's minimum release date (i.e., TIS, PMI, SGT or calendar minimum).
- Z. Upon receipt of information pursuant to Paragraph Y, the CRPU Manager or designee shall review the case to determine if CRP placement should be denied or the transfer rescheduled. Before a prisoner for whom a new PPO, including a new child abuse prevention order, has been identified is transferred to CRP, the CRPU manager or designee shall ensure that the prisoner is prohibited from contacting the person identified in the PPO as a condition of CRP placement. If placement is denied due to an uncleared detainer, charge or felony suspect information, the CRPU Manager or designee shall be notified if clearance is subsequently received.
- AA. If a new PPO, including a child abuse prevention order, was identified as a result of the LEIN or file check conducted pursuant to Paragraph Y and the address and/or telephone number of the person who obtained the PPO is included with the information on the PPO, the Record Office Supervisor or designee shall immediately provide that information to the Crime Victim Services Section; that Section shall attempt to notify that person of the prisoner's scheduled transfer date in writing, if only an address is identified, and by telephone, if a telephone number is identified, unless the person requested and will receive notification pursuant to PD 01.06.120 "Victim Notification". The Record Office Supervisor or designee also shall immediately notify the appropriate law enforcement agency via LEIN of the prisoner's transfer date and the existence of the PPO and, unless notification will be provided pursuant to PD 01.06.120 "Victim Notification", request that agency to also notify the person who obtained the PPO of the transfer date. All attempts to contact the person who obtained the PPO and contacts with law enforcement shall be documented in the prisoner's Central Office and Record Office file, as appropriate.
- BB. Prior to transfer to CRP, Record Office staff shall complete the Community Residential Programs Processing Checklist (CSJ-168). The completed form shall be retained in the prisoner's Record Office

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file.

TRANSFER TO CRP

- CC. Transportation of prisoners to their designated CRP location is the responsibility of the institution housing the prisoner. Prisoners not transported by Department staff shall be transported only via public transportation or, with prior approval of the CRPU Manager and the Warden, private transportation. Private transportation shall be approved only where public transportation is not available or cannot be arranged, or where it is in the best interest of the Department.
- DD. If a prisoner is to be transported via public transportation to the CRP destination, the sending institution shall provide the prisoner with a one-way ticket to the CRP location and, if specified on the transfer order, with sufficient funds for one meal en route. Institutional staff shall escort the prisoner to the point of embarkation and shall ensure that the prisoner departs as scheduled.
- EE. Prior to a prisoner's transfer, the prisoner shall be advised that failure to travel directly to the CRP destination and follow reporting instructions specified on the transfer order may result in the prisoner being charged with escape.
- FF. CRPU shall forward copies of relevant documents from the prisoner's Central Office file to the prisoner's CRP placement location prior to the scheduled transfer date. The prisoner's commitment files shall transfer as set forth in PD 01.04.130 "Prisoner Commitment Files". The prisoner's health record shall transfer as set forth in PD 03.04.108 "Prisoner Health Information".
- GG. Field staff shall enter a prisoner's arrival at the CRP location into the Department's computerized database within one business day after arrival. If the prisoner fails to arrive on schedule, CRP field staff shall initiate escape processing in accordance with PD 01.05.125 "Escape and Apprehension Reporting/Processing".
- HH. Orientation shall be provided to each prisoner within 72 hours after arrival at his/her CRP destination.

RECLASSIFICATION TO CFA FROM CRP

- II. A prisoner shall be reclassified from CRP to a CFA facility if s/he no longer meets the eligibility requirements for CRP or is denied parole while in CRP.
- JJ. A prisoner shall be screened for reclassification to a CFA facility whenever it is reasonably believed that the prisoner poses a threat to public safety or is having significant problems adjusting to CRP, including not following CRP rules and regulations. However, a prisoner must be screened for reclassification if s/he is found guilty of any major misconduct, including for substance abuse, while in CRP.
- KK. In lieu of reclassification to a CFA facility, a prisoner may be transferred into a residential reentry program or required to participate in other residential programs (e.g., substance abuse treatment) approved by the FOA Deputy Director or designee. This does not apply if the prisoner has been found guilty of four major misconducts for substance abuse during that period of community placement.
- LL. Assessment criteria developed by the FOA Deputy Director or designee shall be used whenever there is reason to believe that a prisoner should be screened for reclassification to a CFA facility. All reclassifications to CFA require the approval of the OPPS Administrator or designee; transfers to CFA shall be coordinated with the CFA Classification Director or designee.

PROCEDURES

- MM. The FOA Deputy Director and Wardens shall ensure that operating procedures are developed as necessary to implement requirements set forth in this policy directive; a manual may be issued by the FOA Deputy Director in lieu of operating procedures for this purpose. Operating procedures and/or

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manuals shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that existing procedures and manuals are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- NN. A Primary Audit Elements List has been developed and will be provided to Wardens, the OPPS Administrator and FOA Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: PLC 05/28/08